

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DANIEL RAVICHER,

Plaintiff,

v.

CARL C. ICAHN,

Defendant.

CASE NO. 1:13-cv-01666-LLS

ECF CASE

**SECOND DECLARATION OF DANIEL B. RAVICHER
IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION
AGAINST DEFENDANT CARL C. ICAHN**

I, Daniel B. Ravicher, pursuant to 28 U.S.C. 1746, declare as follows:

1. I am a member of the bar of this court and the named plaintiff in this case. I make this declaration based upon my own personal knowledge, information and belief. I offer this declaration in support of the foregoing motion for a preliminary injunction. I previously submitted another declaration in support of the same motion on June 19, 2013.

2. In my June 19, 2013, declaration I stated, "I currently own 50 put option contracts with an expiration date of November 16, 2013, that each give me the right to sell 100 shares of Herbalife at the price of \$45.00." That statement is still true today.

3. I currently own 20 put option contracts with an expiration date of January 16, 2015, that each give me the right to sell 100 shares of Herbalife at the price of \$45.00. I acquired these 20 put option contracts subsequent to my June 19, 2013, declaration.

4. In my June 19, 2013, declaration I stated, "I contemplate making further

investments in a short position in Herbalife.” That statement is still true today.

I declare under penalty of perjury that the forgoing is true and correct.

Executed: September 9, 2013
New York, New York



Daniel B. Ravicher